



PRESS RELEASE

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BLASTS LEAD TO CONVICTION FOR POSSESSION OF DESTRUCTIVE DEVICES

PHOENIX -- Paul K. Charlton, U.S. Attorney for the District of Arizona, and Lester D. Martz, Special Agent in Charge for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), announced that on July 12, 2005, Robert Allan Schuler, 76, of Prescott Valley, Ariz., was found guilty of Possessing an Unregistered Destructive Device by a federal jury in Prescott, Ariz.

The evidence at trial showed that on the morning of August 10, 2004, two explosions shook a residential neighborhood in Prescott Valley, Ariz. First responders arrived at the property owned by Schuler to find an out-building on the property partially destroyed, with additional damage to neighboring properties. When a hazardous materials team entered the main residence to check for gas leaks they instead found a number of cans connected with wires. Subsequent investigation and forensic analysis revealed a series of containers filled with prills of ammonium nitrate and an oil-based substance, dynamite, blasting caps and metal shrapnel, wired together in a series. At trial an ATF Explosives Enforcement Officer testified that each container constituted a destructive device, that is, an explosive mine designed for use as a weapon, that the devices were designed to detonate through electric current and that the origin of the explosions in the outbuilding was consistent with this type of device.

Certain firearms covered by the National Firearms Act, including machine guns, sawed-off shotguns and destructive devices must be registered, by serial number, with the National Firearms Registration and Transfer Record and a person must receive prior approval to possess a destructive device. Testimony at trial revealed that the devices were not registered.

Testimony and evidence at trial further showed that defendant had experience with setting off explosive charges, that he had stored dynamite, blasting caps and prills of

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ammonium nitrate in a portion of the destroyed outbuilding and that a handkerchief recovered from his pants pocket on the day of the incident contained traces of nitroglycerine and ethylene glycol dinitrate, each an organic compound in dynamite. In all, the jury found that defendant possessed eight destructive devices on the property.

Schuler had been charged with violating Title 26, U.S. Code, Section 5861(d). The case was tried before U.S. District Court Judge David G. Campbell from July 5 through July 12, 2005. The defendant was remanded to the custody of the U.S. Marshal after trial. Sentencing is set before Judge Campbell in Phoenix on September 26, 2005.

A conviction for Possessing an Unregistered Destructive Device carries a maximum penalty of 10 years in prison, a \$10,000 fine or both. In determining an actual sentence, Judge Campbell will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

The investigation leading to the guilty verdict was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives. Personnel from the Central Yavapai Fire District, the Prescott Valley Police Department and the Arizona Department of Public Safety assisted on the day of the incident.

The prosecution is being handled by Gary M. Restaino, Assistant U.S. Attorney, District of Arizona, Phoenix.

CASE NUMBER: CR-04-1036-PCT-DGC
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